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FIRM and AFFILIATE OFFICES

NELSON STEWART
DIRECT DIAL: +1 212 404 8767
PERSONAL FAX: +1 212 253 4037
E-MAIL: NMStewart@duanemorris.com

www.duanemorris.com

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May 3, 2024

VIA ECF:
Honorable Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: Rejuvenating Fertility Center, PLLC v. TD Bank, N.A., Case No. 1:23-cv-05973-JLR –Request for an Adjournment of the May 15, 2024 Mediation Conference

Dear Judge Rochon,

This firm represents defendant TD Bank, N.A (“**TD Bank**”) in the above referenced action. Pursuant to 1.F of Your Honor’s Individual Rules of Practice, we write to request an adjournment of the mediation that is currently scheduled for May 15, 2024. On April 30, 2024 the Court granted TD Bank’s motion to dismiss the Complaint of plaintiff Rejuvenating Fertility Center, PLLC’s (“**RFC**”) with leave for RFC to file an amended Complaint, granted TD Bank’s motion to stay discovery, and denied RFC’s motion to compel discovery. [ECF No. 46]. RFC intends to file an amended complaint and brief settlement discussions between counsel for the parties have not resolved this dispute.

TD Bank and RFC respectfully request that the Court grant an adjournment of the current mediation date until an amended complaint is filed. At this time it is unclear what additional discovery will be required after RFC amends the dismissed Complaint. The scope of new discovery and whether the parties will seek to re-file their respective motions to stay discovery and motion to compel is also uncertain.

This is the second request for an adjournment of the mediation conference. The first request was granted on February 26, 2024 due to a serious health concern suffered by counsel for RFC. In light of the Court’s dismissal of the Complaint, the only scheduled dates that would be affected by an adjournment would be the May 15, mediation and the submission of mediation statements seven days prior to the mediation.

DUANE MORRIS LLP

230 PARK AVENUE, SUITE 1130 NEW YORK, NY 10169-0079

PHONE: +1 212 818 9200 FAX: +1 212 818 9606

Duane Morris

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Dated: May 3, 2024

Respectfully submitted,

s/ Nelson M. Stewart

Nelson M. Stewart

Duane Morris LLP

230 Park Avenue, Suite 1130

New York, NY 10169-0079

Phone: (212) 404-8767

Fax: (212) 818-9606


Attorneys for Defendant TD Bank, N.A.

Cc: Andrew Kazin
Bronster LLP
156 West 56th Street
New York, NY 10019 516-238-1867
Email: akazin@bronsterllp.com
Attorneys for Plaintiff Rejuvenating Fertility

The request to adjourn the mediation currently scheduled for **May 15, 2024**, is **GRANTED**. The mediation is adjourned without date. If the parties wish to return to mediation, they should promptly contact the mediation office.

Dated: May 6, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge